

- Exhibit 3 – “Whitecloud Land Opinion” authored by Penny J. Coleman, Acting General Counsel of the NIGC to the Iowa Tribe of Oklahoma regarding their proposed management contract pursuant to the Indian Gaming Regulatory Act (“IGRA”) dated January 7, 2010;

This Court has authority to take judicial notice of any facts that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201. Documents that are administered by, or publicly filed with an administrative agency are properly subject to judicial notice under Fed. R. Evid. 201. *Winzler v. Toyota Motor Sales U.S.A., Inc.*, 681 F.3d 1208, 1213 (10th Cir. 2012).

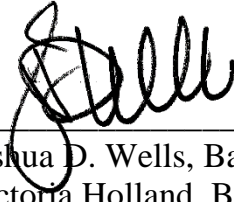
Similarly, judicial notice may also be taken of official acts of the legislative, executive, or judicial branch of the United States government, including court records. *High Desert Relief, Inc. v. United States*, 917 F.3d 1170, 1175 (10th Cir. 2019) (citing *Pueblo of Sandia v. United States*, 50 F.3d 856, 861 (10th Cir. 1995) n. 6 (10th Cir. 1995)).

The documents attached hereto as Exhibit 1-3 are public opinions issued by the NIGC directly addressing IGRA’s prohibition on gaming on Indian lands accepted by the Secretary of the Interior into trust for the benefit of an Indian tribe after October 17, 1988, unless the land falls within certain statutory exceptions. *See* 25 U.S.C.A. § 2719 (West).

THEREFORE, the FSAT Defendants respectfully request this Court grant their Request for Judicial Notice.

Dated: June 1, 2022.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Joshua D. Wells, certify that on June 1, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records on file, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

